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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

NARCISO FUENTES, individually, on behalf
of others similarly situated, and on behalf of
the general public,

Plaintiff,

vs.

DISH NETWORK, L.L.C.; and DOES 1
through 50, inclusive,

Defendants.

Case No. 4:16-cv-02001-JSW

**STIPULATION FOR ENTRY OF
JUDGMENT**

Action Filed: March 7, 2016
Trial Date: None Set

Plaintiff Narciso Fuentes (“Plaintiff”) and Defendant DISH Network L.L.C.
 (“Defendant”), through their respective undersigned counsel, hereby stipulate as follows based
 on the following facts:

WHEREAS, on July 8, 2021, Defendant filed the Notice of Motion & Motion of

1 Defendant DISH Network L.L.C. for Summary Judgment or, in the Alternative, Summary
 2 Adjudication (Dkt. 155) and on July 9, 2021, Plaintiff filed Plaintiff's Notice of Motion and
 3 Motion for Partial Summary Judgment (Dkt. 157);

4 WHEREAS, on November 15, 2022, the Court issued an Order Resolving Cross-Motions
 5 for Summary Judgment and Setting Status Conference (Dkt. 172) (the "Summary Judgment
 6 Order");

7 WHEREAS, on March 30, 2023, Plaintiff filed Plaintiff's Notice of Motion and Motion
 8 to Remand (Dkt. 186);

9 WHEREAS, on May 17, 2023, the Court issued the Order Denying Motion to Remand
 10 (Dkt. 190) and ordered the parties to file a stipulated judgment by May 26, 2023.

11 BASED ON THOSE FACTS IT IS HEREBY STIPULATED AND AGREED THAT
 12 JUDGMENT MAY BE ENTERED AS FOLLOWS:

13 1. Judgment is entered in favor of Plaintiff Narciso Fuentes (on an individual basis
 14 only) and against Defendant DISH Network L.L.C. on the First Cause of Action, for Violation of
 15 the Home Solicitation Sales Act, Civil Code § 1689.5 *et seq.*

16 2. Judgment is entered in favor of Defendant DISH Network L.L.C., and against
 17 Plaintiff Narciso Fuentes, on the Second Cause of Action, for Violation of the California
 18 Translation Act, Civil Code § 1632.

19 3. Judgment is entered in favor of Plaintiff Narciso Fuentes (on an individual basis
 20 only), and against Defendant DISH Network L.L.C., on that portion of the Third Cause of Action
 21 (for Violation of the Consumer Legal Remedies Act, Civil Code § 1750) based on Civil Code §
 22 1770(a)(14).

23 4. Judgment is entered in favor of Defendant DISH Network L.L.C., and against
 24 Plaintiff Narciso Fuentes, on that portion of the Third Cause of Action (for Violation of the
 25 Consumer Legal Remedies Act, Civil Code § 1750) based on Civil Code § 1770(a)(19).

26 5. Judgment is entered in favor of Plaintiff Narciso Fuentes (on an individual basis
 27 only), and against Defendant DISH Network L.L.C., on that portion of the Fourth Cause of
 28 Action (for Violation of Business and Professions Code § 17200) based on violations of the

1 HSSA and Civil Code § 1770(a)(14).

2 6. Judgment is entered in favor of Defendant DISH Network L.L.C., and against
3 Plaintiff Narciso Fuentes, on that portion of the Fourth Cause of Action (for Violation of
4 Business and Professions Code § 17200) based on violations of the CTA and Civil Code §
5 1770(a)(19).

6 7. A monetary award, including prejudgment interest and costs, is awarded to
7 Plaintiff Narciso Fuentes and against Defendant DISH Network L.L.C. in the total stipulated
8 amount of Two Thousand Five Hundred Ninety Dollars (\$2,590). The Parties have agreed to
9 that amount as a compromise and to avoid further expense. DISH specifically does not waive
10 any rights or defenses that might otherwise be available to it in the future or as to any other
11 subscriber.

12 8. Except as provided herein, Plaintiff Narciso Fuentes shall take nothing further by
13 the judgment, and no injunctive relief shall issue.

14 9. This stipulation is made based on the facts recited above and is without prejudice
15 to the appeal rights of the parties.

16
17 Dated: May 26, 2023

CONN LAW, PC

18
19 By: /s/ Elliot Conn
20 ELLIOT CONN
Attorneys for Plaintiff NARCISO FUENTES

21
22 Dated: May 26, 2023

COBLENTZ PATCH DUFFY & BASS LLP

23
24 By: /s/ Clifford Yin
25 CLIFFORD YIN
Attorneys for Defendant DISH NETWORK L.L.C.

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27 **General Order 45, Section X Certification**

28 The filing attorney hereby certifies that concurrence in the filing of the document has

1 been obtained from each signatory, in accordance with N.D. Cal. Order 45, Section X(B).
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